

I. [signature]

PATENT

Attorney Docket 046124-5042-01



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: <b>Tadamitsu Kishimoto <i>et al.</i></b>	)	
	)	Group Art Unit: <b>1642</b>
Application No. <b>10/785,230</b>	)	
	)	Examiner: <b>Laura B. Goddard</b>
Filed: <b>February 25, 2004</b>	)	
	)	Confirmation No.: <b>1453</b>
For: <b>Vascularization Inhibitors</b>	)	

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. 1.97(c)**

Pursuant to 37 C.F.R. 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the document listed on the attached PTO-1449. This Information Disclosure Statement is being filed to the best of the undersigned's knowledge before the mailing date of a Notice of Allowance for the above-referenced application. Each reference contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement, accordingly, pursuant to 37 CFR 97(c)(1) and 1.97 (e), Applicants submit that no fee is necessary.

Each reference cited in this information disclosure statement was first cited in a communication concerning an opposition (entitled "Summons to attend oral proceeding pursuant to Rule 115(1) EPC) in the corresponding European Patent application EP 99909307.3 dated October 10, 2008 (attached). Applicants note that the communication cites a total of twenty-four references (D1 to D24), with the exception of the two references submitted herewith (D23 and D24), the other references were previously submitted for consideration. Reference 20a is a U.S. provisional application which published as EP 0897980, as such Applicants will not be submitting a copy of this cited reference.

Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form. This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute prior art. If the Examiner applies any one of the documents as prior art against any claim in the application, and Applicants determine that the cited document does not constitute prior art under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

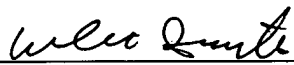
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against

the claims of the present application.

**Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **Constructive Petition for Extension of Time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **December 5, 2008**  
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Respectfully submitted  
**Morgan, Lewis & Bockius LLP**

  
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